

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **Demetris R Price**
Constance Price

Case No.: **17-19502**
Judge: **MBK**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original
☒ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

Date: 10/05/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney HIM Initial Debtor: DRP Initial Co-Debtor C P

Part 1: Payment and Length of Plan

a. The debtor shall pay 409.00 Monthly to the Chapter 13 Trustee, starting on 10/1/2017 for approximately 56 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

<input checked="" type="checkbox"/> <input type="checkbox"/>	Future Earnings Other sources of funding (describe source, amount and date when funds are available):
<p>c. Use of real property to satisfy plan obligations:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Sale of real property Description: _____ Proposed date for completion: _____ </div> <div style="margin-left: 20px; margin-top: 10px;"> <input type="checkbox"/> Refinance of real property: Description: _____ Proposed date for completion: _____ </div> <div style="margin-left: 20px; margin-top: 10px;"> <input checked="" type="checkbox"/> Loan modification with respect to mortgage encumbering property: Description: 1271 S 9th St South Plainfield, NJ 07080 Proposed date for completion: <u>1/31/2018</u> </div> <p>d. <input type="checkbox"/> The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.</p> <p>e. <input type="checkbox"/> Other information that may be important relating to the payment and length of plan:</p>	

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 1874.60 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: SLS (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Harvey I Marcus 8635	Attorney Fees	2,000.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Specialized Loan Servicing/SLS	1271 South 9th St South Plainfield, NJ 07080 Middlesex County	190,131.92	0.00	0.00 debtors will pay no mortgage arrears pending the outcome of loss mitigation	2324.99 debtors will pay an adequate protection monthly payment pending the outcome of loss mitigation.

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor
Chase Auto Finance

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
John F Kennedy Medical Center	non exempt property if any	Judgment Lien	250.00	250,000.00	47,350.00	493,882.00	all
Midland Funding, LLC	non exempt property if any	Judgment Lien	2,002.00	250,000.00	47,350.00	493,882.00	all

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐

NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
DiTech Financial	1271 South 9th St South Plainfield, NJ 07080	45545.99	250,000.00	493,882.00	no value	all

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Priority Claims
- 4) Secured Claims
- 5) Lease Arrearages
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 4/17/17.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
extend loss mitigation period	Part 1c 1/31/2018

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☐ NONE

☒ Explain here: debtors will pay no mortgage arrears pending the outcome of loss mitigation and will pay an adequate protection monthly payment pending the outcome of loss mitigation.

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date	<u>October 5, 2017</u>	<u>/s/ Harvey I Marcus</u> Harvey I Marcus 8635 Attorney for the Debtor
Date:	<u>October 5, 2017</u>	<u>/s/ Demetris R Price</u> Demetris R Price Debtor
Date:	<u>October 5, 2017</u>	<u>/s/ Constance Price</u> Constance Price Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date October 5, 2017

/s/ Harvey I Marcus

Harvey I Marcus 8635

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: October 5, 2017

/s/ Demetris R Price

Demetris R Price

Debtor

Date: October 5, 2017

/s/ Constance Price

Constance Price

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Demetris R Price
 Constance Price
 Debtors

Case No. 17-19502-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 27

Date Rcvd: Oct 06, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 08, 2017.

db/jdb
 aty
 lm
 516815606
 516815608
 516853593
 516815609
 517073815
 516815610
 516955025
 516862877
 516815611
 516815613
 517024211
 516815615
 516815616

Demetris R Price, Constance Price, 1271 S 9th St, South Plainfield, NJ 07080-1603
 +Pluese, Becker & Saltzman, LLC, 20000 Horizon Way, Suite 900, Mount Laurel, NJ 08054-4318
 +Specialized Loan Servicing, LLC, 8742 Lucent Blv., St.. 300, Highlands Ranch, CO 80129-2386
 +Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 +Convergent Outsourcing, Inc, Po Box 9004, Renton, WA 98057-9004
 +Deutsche Bank National Trust Co., Trustee(See 410), c/o Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 +DiTech Financial LLC, 2100 East Elliot Rd, Bldg 94, Dept T-120, Tempe, AZ 85284-1806
 Emergency Physician Associate North Jersey, PC, PO Box 1123, Minneapolis MN 55440-1123
 +Fair Collections & Outsourcing, 12304 Baltimore Ave Suite E, Beltsville, MD 20705-1314
 +JFK Medical Ctr., Paula Kaplan, Esq., 55 Morris Ave., Ste. 200, Springfield, NJ 07081-1422
 JPMorgan Chase Bank, N.A., po box 29505 Phx, AZ 85038
 +John F Kennedy Medical Center, 65 James St, Edison, NJ 08820-3903
 Nissan Motor Acceptance, PO Box 9001133, Louisville, KY 40290-1133
 Pinnacle Credit Services, LLC its successors and, assigns as assignee of Cellco, Partnership d/b/a Verizon Wireless, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 +Specialized Loan Servicing/SLS, Attn: Bankruptcy, Po Box 636005, Littleton, CO 80163-6005
 +Verizon, Verizon Wireless Bankruptcy Administrati, 500 Tecnolgy Dr Ste 500, Weldon Springs, MO 63304-2225

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg
 smg
 516815604
 516815605
 517080212
 516815607
 516815612
 517079956
 516815614
 516837881
 516926862

E-mail/Text: usanj.njbankr@usdoj.gov Oct 06 2017 22:55:38 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Oct 06 2017 22:55:34 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 E-mail/Text: ebn@americacollect.com Oct 06 2017 22:55:45 Americacollect Inc, Po Box 1566, 1851 S Alverno Rd, Manitowoc, WI 54221
 +E-mail/Text: bankruptcy@usecapital.com Oct 06 2017 22:56:52 Capital Accounts, Po Box 140065, Nashville, TN 37214-0065
 +E-mail/Text: bankruptcy@cavps.com Oct 06 2017 22:55:58 Cavalry Investments, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 +E-mail/Text: bk.notifications@jpmchase.com Oct 06 2017 22:55:24 Chase Auto Finance, National Bankruptcy Dept, 201 N Central Ave Ms Az1-1191, Phoenix, AZ 85004-1071
 +E-mail/Text: bankruptcydpt@mcsmcg.com Oct 06 2017 22:55:34 Midland Funding, LLC, 2365 Northside Dr, Ste 300, San Diego, CA 92108-2709
 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 06 2017 23:00:43 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.A., POB 41067, Norfolk VA 23541
 +E-mail/Text: bankruptcy@sw-credit.com Oct 06 2017 22:55:39 Southwest Credit Systems, 4120 International Parkway Ste 1100, Carrollton, TX 75007-1958
 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 06 2017 23:06:43 T Mobile/T-Mobile USA Inc, by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 06 2017 23:06:22 Verizon, by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 TOTAL: 11

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 08, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 27

Date Rcvd: Oct 06, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 5, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for
Home Equity Mortgage Loan Asset-Backed Trust, Series INABS 2005-B, Home Equity Mortgage Loan
Asset-Backed Certificates, Series INABS 2005-B dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Harvey I. Marcus on behalf of Joint Debtor Constance Price him@lawmarcus.com
Harvey I. Marcus on behalf of Debtor Demetris R Price him@lawmarcus.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5